

## OWP Post-January Shutdown Priorities and Next Steps

### North Dakota Name Change:

- Once all mail from the shutdown had been delivered we can determine if we have received comments on the UIC program authorization and if a hearing is required.
- Working with HQs on response to NPDES program comment.
- Both of these programs require HQs concurrence and, for UIC, the final rule requires AAW signature. We're working with HQs to revise schedules and determine whether the March 15 effective date needs to be pushed back.

### Drinking Water Priorities:

- Follow up on drinking water issues that were not called into the emergency phone number:
- On January 7, 2019 the Ft. Belknap Agency water system experienced a broken pipe. A voicemail was left for an EPA employee regarding the incident. The issue was resolved by Ft. Belknap and our EPA contractor Rural and Tribble Environmental Solutions (RATES). RATES was at Ft. Belknap for a regularly scheduled technical assistance visit on January 9-10, 2019 and was able to repair the pipe. A boil order was issued by Ft. Belknap once water was restored and appropriate flushing and sampling was conducted. The special sample taken after flushing was safe.
- On Monday, January 21, 2019, a representative from the Sloanes General Store in central Wyoming left a voicemail on an EPA staff member's phone indicating that they received elevated nitrate sample results and would collect a confirmation sample as required. Once back in the office on January 28, EPA contacted the representative, confirmed that the initial nitrate results exceeded the nitrate MCL and asked him to post a public notice. The representative stated that they planned to shut off the affected well and connect a backup source to supply drinking water to customers. EPA is still awaiting the confirmation sample lab result in order to confirm the MCL violation, after which Region 8's Enforcement Program will issue an Administrative Order to ensure compliance with the drinking water standards.
- Contacts made with Tribal drinking water systems starting on Monday 1/28 to verify operating status and any concerns/needs. As of Wednesday am, no issues identified, however a deep freeze is expected in parts of R8 which could lead to line breaks and water outages this week.
- Crow Follow up: Region 8 had a deadline of 1/11 to respond to the IG report on Crow. OWP is reaching out to TMS to contact the IG to obtain an extension. Region 8 understands that the all divisions of the Crow Tribal government has shut down since December 21<sup>st</sup> (not tied to the US Govt shutdown). Region 8's contractor collected special bacteriological samples in both Pryor and Wyola in January and both samples were safe. OWP contacted the drinking water operator on 1/28, who reported that both the Pryor and Wyola plants are operational, but the chlorine supply is running low and the compliance samples for January were not collected because no funding was available. In December, BIA had agreed to pay operational costs for these systems, but this funding has not yet been made available. OWP has attempted to contact BIA several times regarding this issue but has not yet gotten a response. Region 8 reached out to IHS Regional Director Dorothy Dupree and her staff to discuss the Crow Drinking Water systems. IHS shared that the financial MOU between IHS and Crow that identifies IHS's willingness to pay for some required drinking water sampling is waiting for Chairman Not Afraid Jr.'s signature. Next

steps include: 1) OWP speak with BIA regarding funding for operation of Pryor and Wyola systems, 2) IHS schedule a conference call with all parties (EPA/BIA/IHS and Crow Tribe) to have a status-update discussion, 3) IHS schedule an in-person meeting to discuss long-term Crow issues.

- Drinking water sample results are submitted to EPA continuously by the 900 public water systems in Wyoming and Region 8 Indian country. Staff is prioritizing the entry of compliance data into the SDWIS database that was submitted during the shutdown period. It is important that this information be entered and entered correctly to identify any potential monitoring violations or MCL exceedances that will affect systems' compliance, follow up and monitoring requirements going forward. We expect a delay in making these compliance determinations for the months of December and January, as well as a delay in getting current data into the database.
- Data entry described above is key to identifying the monitoring requirements and schedules for each water system. EPA typically sends the annual monitoring requirements for the current year to drinking water systems in the second week of February. This compliance assistance process will be delayed, with an expected issuance date for 2019 monitoring schedules of March 18.
- PFAS – Darcy left a message for Jennifer McClain, acting OGWDW Director, on expected release of the PFAS management plan and rollout to states and tribes. R8 PFAS team will schedule a meeting as soon as practicable to develop an implementation plan for the region.
- Pinedale – Region 8 is still awaiting input from OGC and OECA on the planned approach to address the filtration avoidance criteria issues. Expectation is to have a discussion with the town and issue the letter outlining the approach prior to 2/15/19.
- Denver OCCT – team is getting updates on status and actions taken by state and Denver Water since the shutdown. OWP will schedule an internal (R8) meeting with program and legal to discuss the variance process and implementation.
- Afton – revisions to the 2014 sanitary survey requested by the town are nearly complete; awaiting information from Afton on the status of DEQ approvals and construction timelines to include in the revised report.
- Meeting with TFS and contracts to discuss QA plan deadline extension and next steps on sanitary survey contracts. At this point we do not believe extension of these deadlines will impact our ability to complete the 2019 surveys.

#### **Other DW Items:**

- Team is analyzing what went well and what didn't go well during the shutdown to determine if we may need additional resources to support critical work during any future shutdown.
- Lead training (part of the Lead Action Plan) is scheduled at Rural Water trainings in late February. There is a question if we will be able to travel due to government funding status.
- Interviews scheduled during the furlough for a critical drinking water position are being rescheduled as soon as possible.

## **Ex. 5 Deliberative Process (DP)**

#### **UIC Priorities:**

- Permits:

- Finishing administrative record review with ORC and setting new schedule for issuing four permits on the Fort Berthold reservation.
- Mann Oil permit (Fort Berthold) permit application appears to be complete; new schedule for permit issuance being developed.
- Dewey Burdock – team will meet to discuss next steps and adjusted time line for permit issuance. Team knows that Powertech reached out during the shutdown and is expecting an update on timing.
- One known new permit application received immediately before the shutdown – UIC will work with HQ to determine when the “clock starts” for the permit receipt – we have exceeded the 30-day regulatory time frame for determining if the application is administratively complete.
- Once mail has been received new permit applications and associated due dates will be entered into our tracking spreadsheet.
- Meridian – authorization to inject and minor permit modification signed on 1/28, emailed on 1/29.
- WY Class VI program authorization application – staff meeting with WY staff to discuss questions around the authorization package.
- Kinder Morgan - rescheduling call w/HQ on Class II vs Class I well classification
- Aquifer Exemption request from AGC – company has submitted all the data, review is being reassigned to staff to ensure resources available for Dewey Burdock work. New schedule for aquifer exemption is being developed.
- Pennington Well (company requesting removal of injection limits) – tracer study information was submitted to R8 and will be reviewed on Thursday (1/31/19). We have a call with WPX early next week to discuss the study results to inform if we can/cannot proceed with a minor permit modification.

#### **NPDES Priorities:**

- Permits:
  - Grand River Casino permit – due to shutdown the permit was not issued as planned on 12/31/18. Permit was signed on 1/29/19.
  - DW General Permit – OMB did not request to review the general permit prior to public notice. Will begin routing for final review before public notice.
  - Once mail has been received new permit applications and associated due dates will be entered into our tracking spreadsheet.
- Working with SSC on revised start date for new employee in MT.
- Pretreatment report templates are being revised and will be sent out to systems in time to for reporting deadline of 3/31/19.

#### **International Work Priority:**

- Lake Koocanusa – Work beginning on sampling design to support April sampling. Will focus on tribal consultation process.

#### **Aquifer and Aquatic Resources Protection Unit Priorities:**

- Initiating the solicitation of interest for the AAP staff to take on a 120-day detail as Unit Chief on 2/29. Creating temporary reporting structure until detail is filled.
- 404 staff meeting on 2/29 to identify any new permit applications that have come in and potential needs to ask USACE for extensions for reviewing applications.

- Staff will reach out to the USACE on projects to coordinate agency actions and see if EPA has any action items.

#### **Water Quality Unit Priorities:**

- Use Attainability Analysis (UAA) for Badwater Creek (Aethon) – WYDEQ submitted the sampling and analysis plan for EPA's review/comment. Due date is 2/8/19; staff believes they can meet this time frame (top priority).
- UT's headwater nutrient criteria draft package and data set submitted to R8 during the shutdown. Staff is reviewing the information; OWP management will be briefed on the status on 1/31 and at that point we will determine the time needed to complete our review and schedule an in-person meeting with UTDWQ. Darcy will follow up with Eric Gaddis (Water Division Director at UTDEQ).
- Expect a tribal triennial package will be submitted within the next week. Lead reviewer will be out on medical leave starting next week, but work on this package will be prioritized.
- New World Mine meeting with MT DEQ and the forest service on 2/13.
- MT 303(d) package – submitted prior to the shutdown, and the region had concerns with the state's approach. State will be withdrawing the package and resubmitting.
- CO 2020 listing methodology – was public noticed during shutdown. R8 has until 2/15 to provide any comments. While not regulatory in nature, the methodology is important to future 303(d) listing activities.

#### **Watershed Planning and Restoration Priorities:**

- Madison TMDL submitted prior to shutdown so we have passed the 30-day time frame for action. Staff is prioritizing this action and expects to route our action by next week.
- TMDL from Wyoming expected in the next week; our action may not be done within 30-days (if we are furloughed).
- Technical contract with TetraTech expires the end of March and cannot be extended. We are prioritizing this work to ensure as much of the work is completed as possible.

#### **Technical and Financial Services Priorities:**

- WY's State Revolving Fund (SRF) mandatory review was cancelled due to the shutdown. Team is working to reschedule.
- R8 and HQ meeting to identify alternative options for awarding Tribal Set Aside funding for drinking water had to be rescheduled due to the shutdown (now scheduled for 2/13/19). R8 will not be able to change our process for FY19 due to delays.
- New hire for SRF program start date has been delayed to 2/4/19.
- Team is prepared to assist in getting CR funding out asap.
- Santaquin City, UT – shutdown delayed decision/action on approval of property ownership change related to release of an SRF lien on city property. Final property documents need to be signed by someone in HQ, not the Region. Staff began work to determine appropriate HQ contact on 1/28/19.
- Indian Health Service has cancelled the March 2019 meeting indefinitely. EPA does not know if or when it will be rescheduled.